

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARCO GROUP, INC. and PONJEB V,
L.L.C.,

Plaintiffs,

-against-

DREW MACONACHY,

Defendant.

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LINDSAY, Magistrate Judge:

Before the court is defendant's motion by letter application dated January 7, 2011 seeking leave to submit a brief on the legal insufficiencies of Plaintiff's Proposed Findings of Fact. Plaintiffs oppose the motion by their letter response dated January 10, 2011 and seek to strike defendant's motion for formal legal briefing. Defendant submits a response to Plaintiffs' opposition.

At a conference held before the undersigned on September 1, 2010, the procedure for resolving the limited remand on damages was established. In particular, it was agreed that (i) plaintiffs would submit proposed findings of fact in support an award of damages; (ii) defendant would submit proposed findings noting any disputed facts; and (iii) plaintiffs may file a reply. Each set of proposed findings was to include citations to the record. A memorandum of law could be submitted thereafter if the court requested one. This procedure was agreed to by both parties. By order dated December 22, 2010, the court (i) found the defendant's submissions failed to comply with the aforementioned procedures and (ii) directed the defendant to submit its Proposed Findings of Fact in accordance with the outlined procedures. Inasmuch as the court has not yet sought any additional legal memoranda, the defendant's motion is denied at this time.

Dated: Central Islip, New York
January 18, 2011

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge